

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STAR AUTO SALES OF QUEENS LLC  
d/b/a STAR SUBARU,

**AFFIRMATION IN SUPPORT**

Plaintiff,

**Case No. 19 cv 6791**

v.

HANIE ISKANDER a/k/a “John Alexander”  
AND NAGWA YOUSEIF a/k/a “Nagwa F Youseif,

Defendants.  
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Brian L. Greben, an attorney admitted to practice in the United States District Court for the Eastern District of New York, affirms and declares as follows:

1. I am attorney of record for defendants, and as such am thoroughly conversant with the facts and circumstances herein based upon the contents of my file. I submit this affirmation in support of defendants’ motion an Order: a) dismissing the Complaint for failure to state a claim upon which relief can be granted, pursuant FRCP 12(b)(6), and for failure to join a necessary party, pursuant to FRCP 12(b)(7) and 19; or, in the alternative, b) granting defendants leave of court to serve a Third-Party Summons and Complaint against Douglass Filardo, the individual who is the subject of the instant action but was not named as a defendant, pursuant to FRCP 14(a).

2. Plaintiff has argued that defendants cannot move to dismiss pursuant to FRCP 12(b) because defendants allegedly filed an answer as *pro se* litigants. However, the document that plaintiff references – Doc. 11 – is not an answer. Document 11 was filed as a “letter,” and is written as a letter addressing some of plaintiff’s allegations, but does not identify each allegation, and is not written in an organized manner that corresponds to the Complaint. A copy of the Document 11 accompanies this letter as Exhibit “A.”

3. A copy of Plaintiffs’ Complaint in instant action is annexed hereto as Exhibit “B.”

WHEREFORE, defendants respectfully request that the Court grant the instant motion for an Order: a) dismissing the Complaint for failure to state a claim upon which relief can be granted, pursuant FRCP 12(b)(6), and for failure to join a necessary party, pursuant to FRCP 12(b)(7) and 19; or, in the alternative, b) granting defendants leave of court to serve a Third-Party Summons and Complaint against Douglass Filardo, the individual who is the subject of the instant action but was not named as a defendant, pursuant to FRCP 14(a).

Dated: Great Neck, New York  
May 17, 2021

LAW OFFICE OF BRIAN L. GREBEN

/s/ Brian L. Greben

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